

APPROVED: MEETING No. 3-82

ATTEST:

MAYOR AND COUNCIL
ROCKVILLE, MARYLAND
MEETING NO. 1-82

January 4, 1982

The Mayor and Council of Rockville, Maryland, convened in general session in the Council Chamber, Rockville City Hall, Maryland at Vinson Street, Rockville, Maryland, on Monday January 4, 1982, at 8:00 p.m.

PRESENT

Mayor William E. Hanna, Jr.

Councilman Steve Abrams (arrived 8:10 p.m.) Councilwoman Phyllis Fordham

Councilman John Freeland Councilman John Freeland

Mayor pro-tem Abrams in the Chair.

In attendance; City Manager Larry Blick; Assistant City Attorney Paul Glasgow; Information Officer Sue M. Patterson; Director of Finance John Lawton; City Clerk Helen Heneghan; Assistant City Manager Daniel Hobbs; Director of Recreation and Parks Ronald Olson; Director of Public Works Robert Goodin; Budget Officer Anna Lee Berman; Director of Planning James M. Davis; Director of Community Development and Housing Assistance Douglas Horne.

Re: City Manager's Report

Mr. Blick reported the following:

1. Work has begun on the pedestrian overpass between the Metro station and the Town Center over route 355. The guard rail on Baltimore Road will be completed this week.

Re: Approval of City Testimony
on State Consolidated
Transportation Program

The Montgomery County Delegations, the County Council, and the County Executive will hold a joint public hearing on January 6, 1982, at 8:00 p.m. on the Five-Year Consolidated Transportation Program (1982-1987).

The Council was handed an amended version of the testimony by the City Manager which softened the statements about Baltimore's share of revenue. Councilman Abrams said gentle persuasion rather than a sledge-hammer approach might be more effective. Councilwoman Fordham disagreed. She preferred the stronger testimony. (At this time Mayor Hanna arrived). Mayor Hanna suggested as a compromise that page 2 of the testimony be summarized in one sentence. This

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would provide some softening while not losing the thrust. The Council agreed to this suggestion unanimously.

Re: Appointments

Mayor Hanna made the following appointments. They were confirmed by the Council.

Planning Commission: Carlos Caban - five-year reappointment

Economic Development Commission: Irene Curry - two-year appointment
13 Welwyn Way

Robert Turner - two-year reappointment

Alternative Community Service Commission: Louise Crews - two-year reappointment

Re: Authorization to Apply for
Grant for North Washington
Street Traffic Signal
Construction

The City's Traffic Engineer has determined that Rockville is eligible for a \$100,000 grant for signal construction on North Washington Street.

The project would include the complete reconstruction of traffic signals at four intersections, including pedestrian control and interconnection between signals. The total signal related construction work is estimated at \$150,000.

The calendar for this project would be as follows:

Submit plans and specifications to the State by mid 1982;

Have funds approved and set aside by January 1983;

Begin construction by mid 1983 (this project would follow North Washington Street reconstruction); and

Complete all work by December 1983.

Staff requests Mayor and Council authorization to apply for this \$100,000 grant.

On motion of Councilman Abrams, duly seconded and unanimously passed, the staff was authorized to apply for the grant. Councilman Abrams suggested that the grant application be completed as quickly as possible since the funding is running out.

Re: Approval of staff recommenda-
tion on County rezoning
application, G-330, Seven
Locks Road

The subject application was filed requesting rezoning from the R-200 and R-90 Zones to the O-M Zone for a 3.27 acre parcel at the northeast corner of

Seven Locks Road. The Planning staff recommended that the Commission oppose the rezoning. The City Planning Commission found the O-M zoning to be incompatible with the recommendations of the City's and County's Master Plan.

Staff believes the issue with this zoning case goes beyond the question of land use. It involves the viability and acceptance by other governments of the Maximum Expansion Limits (MEL) of the City. If this zoning is granted and if the WSSC decides to extend service to the subject property, annexation to Rockville will never occur. This undermining of the Master Plan should be resisted with all the force the City can muster.

It is recommended that the City Attorney be assigned to work with the Planning Department and take the necessary steps to prevent the County Council from making an unfavorable decision in this matter.

Mr. Davis explained to the Council the difficulties on this particular piece of property since the WSSC boundary is not clear. Councilman Abrams noted that the property already has an easment for the WSSC and there is no need for it to come into the City. Councilwoman Fordham asked how long legal action could be drawn out on this. Mr. Glasgow said until the final boundary of the WSSC is determined the process cannot be measured.

Councilman Abrams moved, duly seconded, to support the staff's recommendations to take action and see that the maximum expansion limits are defined. The motion passed unanimously.

Councilman Abrams suggested that the staff rally support from the Potomac Springs Civic Association since it would ultimately affect that development. He asked that they be kept informed of all actions.

Re: Approval of On-Site
Storm Water Management
Waiver

a. College Square (Drive-In Site)

This project is located in the Watts Branch drainage area on the former Rockville Drive-In Theater site. Staff believes that Mayor and Council should grant a waiver to permit off-site storm water management for the following reasons:

1. The on-site proposal presents safety hazards and maintenance difficulties; and
2. The public structure in Anderson Park (about 1,200 feet away), to be designed in FY 83 and constructed in FY 84, will provide storm water management for the subject development as well as other developed areas in this watershed.

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In addition, the developer has requested off-site SWM because on-site SWM would contain more densely clustered townhouse units, would feature unfavorable visual effects from any on-site SWM structures, and would require parking spaces to be located at too great a distance from the units -- all adversely affecting sales.

This particular request was the subject of considerable discussion by the Storm Water Management Committee and the City Attorney's office. The new condominium development on this former drive-in theater site will result in a net impervious area more in line with that of single-family development. Therefore, a comparable cost recommended by both the Committee and the City Attorney is \$65,700 -- provided that the homeowners' by-laws for this condominium development contain a provision to be approved by our City Attorney that the proposed impervious area not be increased without approval by the City. Without such provision, the off-site contribution for this parcel would be \$80,400.

Staff recommends that the on-site requirement be waived and that the City accept a contribution of \$65,700 toward the City's off-site storm water management program (such action to be subject to a conformable waiver by the Montgomery Soil Conservation District).

Councilman Tyner asked what provisions are made for interior storm water management when the structure is built. Mr. Blick explained that the construction on this particular parcel reduces the imperviousness due to the drive-in being paved now, completely, and it will not be at that time. Councilman Tyner asked the City Manager when there will be an update for the Council since he worries about these waivers being granted with no off-site structure being built. The City Manager said an update would be given to the Council on January 18. Mayor Hanna asked that the City stay ahead on this and not allow it to fall behind.

Councilwoman Fordham moved, duly seconded and unanimously passed, that the on-site requirement be waived and the City accept the contribution of \$65,700 toward off-site, subject to a waiver by the Montgomery Soil Conservation District, provided that the homeowners' by-laws contain a provision that the impervious area not be increased, otherwise the contribution would be \$80,400.

b. Ewing Tract

This project is located in the Watts Branch drainage area and is surrounded by the Fallsmead subdivision. Staff believes that the Mayor and Council should

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grant a waiver to permit off-site storm water management for the following reasons:

1. The on-site proposal presents nuisance problems and maintenance difficulties; and
2. The public structure in Rockmead Park (CIP E-33 located about 1,000 feet away and planned to be designed in FY 84 and constructed in FY 85) will provide storm water management for the subject development, as well as other developed areas in this watershed.

Since a storm drain system will be provided to convey the run-off to the stream and a compensating SWM facility is proposed upstream, staff recommends that the on-site requirement be waived and that the City accept a contribution of \$18,270 (10.15 acres at \$1,800) toward the City's off-site SWM program (such action to be subject to a conformable waiver by the Montgomery Soil Conservation District).

On motion of Councilman Abrams, duly seconded and unanimously passed, the on-site requirement was waived and the City accepted a contribution of \$18,270 subject to a waiver by the Montgomery Soil Conservation District.

Re: Introduction of Ordinance;
To Authorize the Issuance
of Bond Anticipation Notes

On motion of Councilman Freeland, there was introduced upon the table, an ordinance authorizing the issuance of Bond Anticipation Notes, said ordinance to lay over at least one week before final action is taken.

Re: Approval of Contract for
Computer Time Rental for
Program Development

When the Mayor and Council approved the selection of the Hewlett-Packard computer system in August, staff said that it would be converting existing programs and writing new programs until the computer arrived in December. \$9,600 was included in the recommendation for this development activity.

The computer is now scheduled for arrival in January. Program development has been proceeding using a Hewlett-Packard computer with identical software packages to the ones the City is planning to use. This is the only such computer with the necessary software in the area. This computer is located at Envelopes Unlimited, a Rockville firm.

Staff has negotiated an agreement with Envelopes Unlimited to have unlimited use of their computer and software packages at a price of \$2,400 per month for

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development work only, saving money by doing the development work on this computer because the City's computer, software, and peripherals will cost about \$4,750 per month.

Staff will need formal Mayor and Council approval of the agreement with Envelopes Unlimited since the amount has exceeded the \$7,500.

It is recommended that the Mayor and Council approve the agreement with Envelopes Unlimited for use of computer time and software packages at \$2,400 per month for five months. This amounts to \$12,000. An amount of \$9,600 was included in the initial recommendation. The remaining \$2,400 will come from savings exceeding \$5,000 from not yet taking delivery of our own computer. This is a sole source procurement, pursuant to Section 13(4)(i) of the City Charter, since no other computer in the area has the necessary software.

Mayor Hanna asked why the City is paying for the training of people on the Hewlett-Packard computer. He thought it was a part of the cost of the computer. Mr. Lawton said the cost was included in the original bid amount as an extra and billed separately. Mayor Hanna commented that he has never known a company to charge for training. Most suppliers are happy to have people trained so they will use their equipment. This is not clear to him. Mr. Lawton said the Hewlett-Packard requires highly specialized training in language and software. Councilwoman Fordham asked how long this rental will run. Mr. Lawton said the time is almost up. The staff did not realize that it would take so long, but it has worked to the City's advantage to use someone else's computer at half the cost. Mayor Hanna asked how it is possible for this company to give the City unlimited use. Mr. Lawton said it is just development, not operation, and it is done by telephone. Mayor Hanna asked what plans have been made to cover emergencies when the City's system is down. Mr. Lawton said there are numerous computers that can be used, but this is the only location with software. Mayor Hanna suggested the staff start negotiating a reciprocal three way agreement right now for emergencies to process basic packages. He asked how many people are now employed in this department. Mr. Lawton said four. Mayor Hanna asked if the City is planning to train all of them. Mr. Lawton said only two will be trained, and they in turn will train the others. It is possible that a third person might need some future training. Mayor Hanna asked if the staff has any understanding with these employees that if they leave the employ of the City, they will reimburse the City for training. Mr. Lawton said that

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precaution had not been taken, but it was a good idea. Councilwoman Fordham commented that she agrees with the Mayor's concern on cost and she plans to monitor this most carefully.

On motion of Councilman Freeland, duly seconded and unanimously passed, the staff's recommendation for rental of computer time was approved.

Re: Citizen's Forum

The Mayor opened the meeting to those citizens who wished to address the Mayor and Council.

1. Howard Silberstein, 2008 Dundee Road. Mr. Silberstein congratulated the City Manager on the 25 m.p.h. speed sign recently installed in his neighborhood but suggested it be moved since it is not visible when traffic is turning the corner. Mr. Silberstein discussed his resignation from the Human Rights Commission noting the number of meetings in the past two years without a quorum and the lack of Mayor and Council sensitivity to the feelings and needs of this commission and the human rights situation in the City generally. He noted that the commission lacks minority representation, is excluded from budget input and was not granted a work session when asked. He said there are many things the City must do to insure that the rights of every citizen are represented and every citizen knows of that representation.

Mayor Hanna told Mr. Silberstein that many of the statements that he had made were fantasy and not fact. The appointments are made by the Mayor, confirmed by the Council; they are not made by the commission. No citizen or commission is ever excluded from budget meetings since all Mayor and Council work sessions on the budget are opened to the public. He noted that he had personally solicited members for the Commission from minority organizations and received no response. Further comments were made by Mr. Silberstein and Mayor Hanna. Councilman Tyner noted he would make suggestions on this matter under new business.

2. Eric Guckenheimer, 806 Cabin John Parkway. Mr. Guckenheimer congratulated the Mayor and Council, the City Manager, the City Clerk and other staff for the work that was done last year and thanked the City for the fast response for his request for the traffic light at Fields Road and Rt. 355.

There being no other citizen wishing to be heard, the Mayor closed the citizen's forum portion of the meeting.

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Re: Presentation: Arts in the
City by Ronald Fleming, The
Townscape Institute, Cambridge,
Massachusetts

Mr. Fleming presented slides and commentary to the Council on Arts in the
City.

Re: Correspondence

The Mayor and Council noted the following items of correspondence:

1. Letter complimenting City employee, Mike Taylor
Mayor Hanna commented on this nice letter.
2. Letter protesting gun control
3. D.M. Connellan, re pool complaint
4. T.C. Chisolm, HUD, re CDBG complaint
5. Mrs. Mary C. Bailey, re hazardous crossing of North Washington Street
6. William L. Sullivan, re snow removal and illegal parking at Twinbrook
Councilman Tyner asked that this be looked into to see if it is illegal
for he knows that this is definitely a problem.
7. PTA's re thank you to Mayor and Council.

Re: Information Items

The Mayor and Council noted the following items of information:

1. Police Department reports
2. Night line telephone numbers
3. Project status Report from Recreation and Parks Department
Councilman Tyner asked when the meeting will be held with the stage
designer. The Manager said he is attempting to work out a date.
4. Informational brochures
5. Project Status Report from Community Resources Department
6. Traffic and Transportation Commission memo re closure of Argyle Street
7. Complimentary letter to staff re Croydon neighborhood Planning Group work
8. Memo from Director of Public Works re traffic signals on Park Road

Councilwoman Fordham asked why it takes five months to put a traffic
light in place. She would rather see it done sooner. If the City
can purchase computers by sole source, why not traffic materials.
She asked that it be moved up. Mr. Goodin explained the problems
involved in designing and constructing a traffic signal.
Councilman Freeland disagreed and said so many of the parts are sold
off the shelf at this time. The time lapse seems unreasonable.
Mayor Hanna suggested that next week the City Manager report to the

Council on what can be ordered directly in Mast Arms, controllers, etc., and the additional or lesser cost involved and be prepared to answer some questions. In the meantime, he suggested maybe an officer be assigned there for traffic control.

Councilwoman Fordham suggested that since the traffic light seems to be delayed at Research Boulevard and Rt. 28, an additional officer might be placed there. Mayor Hanna asked if the police had reinstated the police cadet as the Mayor and Council had requested. It was his thought that the cadets could be brought in for traffic assistance if it could not be handled in regular patrols. Councilwoman Fordham asked when a work session will be held with the police. Mayor Hanna said he would like to see it done this month if possible.

9. Memo re Martin Luther King birthday commemoration

Councilman Tyner said he is delighted to see the schedule for the Martin Luther King birthday commemoration. This is more appropriate than holding a celebration.

10. Letters responding to citizens questions.

11. Rockville Financial Report

Re: New Business

1. Councilwoman Fordham said the new telephone system at City Hall is not functioning properly and she is tired of being cut off or getting no answer. Working out the bugs in this system should get a higher priority. Mr. Hobbs agreed there is a problem. Mayor Hanna suggested that no person calling the City should wait more than two rings for a pick up.

2. Councilman Tyner said hearing Mr. Silberstein's comments tonight on the Human Rights Commission reminded him that there are other services that need to be looked at in the City. One, a conference was held on extremism and violence. The City should have been monitoring that conference. There is a whole area that needs to be dealt with for ethnics such as medical help, grocery stores, etc. There is a serious lack of applicants to this commission and there needs to be a broader scope of interest. Councilman Abrams said it seems to be a commission in search of a function. The City is still small enough that people can come forward and suggest names for appointment. Councilwoman Fordham commented that just a couple years ago the Commission was active under the Rev. Winham. It did much more than enforcement. She suggested that the Mayor and Council sit down with that Commission soon. Mayor Hanna asked the Newsletter editor and the City Clerk to write a special piece on the Human Rights Commission and the kind of work the

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Mayor and Council would like to see it mention the broad ethnic balance needed for the Commission and the difficulty the City has in getting it so that there will be representation from the Hispanic, Asiatic, black, male and female, Jew and Gentile, community. This article would include a special appeal to people.

3. The City Manager asked if the Mayor would give the testimony on Wednesday night at the delegation hearing. The Mayor said he would.

Re: Approval of Minutes
Meeting No. 39-81
Meeting No. 40-81
Meeting No. 41-81
Meeting No. 42-81

On motion of Councilman Abrams, duly seconded and unanimously passed, the Minutes of Meeting No. 39-81, November 16, 1981, were approved as written.

On motion of Councilman Abrams, duly seconded and unanimously passed, the Minutes of Meeting No. 40-81, November 23, 1981, were approved as amended.

On motion of Councilman Freeland, duly seconded and unanimously passed, the Minutes of Meeting No. 41-81, December 7, 1981, were approved as amended.

On motion of Councilman Freeland, duly seconded and unanimously passed, the Minutes of Meeting No. 42-81, December 14, 1981, were approved as amended.

Re: Executive Session

On motion of Councilman Abrams, duly seconded and unanimously passed, the meeting was closed for executive session for consultation with legal counsel.

Re: Adjournment

There being no further business to come before the Council in executive session, the meeting was adjourned at 12:45 a.m. to convene again in general session on Monday, January 11, 1982, at 8:00 p.m. or at the call of the Mayor.